

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL REVISION APPLICATION No 537 of 1981

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?

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STATE OF GUJARAT

Versus

GORDHANBHAI BHURABHAI

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Appearance:

1. Criminal Revision Application No. 537 of 1981  
SUO MOTU for Petitioners  
MR SD PATEL for Respondent No. 1
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CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 07/05/97

ORAL JUDGEMENT

This case has been registered on a Suo-Motu notice. The accused-respondent by order of the Judicial Magistrate, First Class, Gondal, dated 12th June, 1981, has been convicted for offence under Section 7/16 of the Prevention of Food Adulteration Act. However, he has been ordered only to undergo the sentence till the rising

of the Court and to pay a fine of Rs.500/-, and in default of payment, to further undergo three months simple imprisonment. The judgment is apparently contrary to the provisions of Section 16 of the Prevention of Food Adulteration Act. The minimum sentence provided is six months imprisonment and to pay a fine of Rs.1000/-. For the reasons recorded in the section, a discretion is vested in the Court to reduce the same, but the limit provided is of three months. However, considering the fact that the incident is of 12th February, 1979, I am not inclined to interfere with the order, after almost 18 years. In view of this, Rule is discharged.

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